

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BILLY D. DAVIS,

Defendant.

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CASE NO. 8:04CR199

ORDER

This matter is before the Court on the Defendant's oral motion communicated telephonically by defense counsel to the chambers of the undersigned on July 7, 2005 (docket entry of July 7, 2005). Defense counsel requested that the trial in this matter be continued to the afternoon of July 12, 2005.

IT IS ORDERED:

1. The Defendant's oral motion to continue trial is granted;
2. The trial in this matter is rescheduled until July 12, 2005, at 1:00 p.m.; and
3. The ends of justice have been served by granting the motion and outweigh the interests of the public and the Defendant in a speedy trial. The time between the making of the motion and the afternoon of July 12, 2005, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason that the ends of justice outweigh the best interest of the public and the Defendant in a speedy trial and failure to grant additional time could result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(i).

DATED this 11th day of July, 2005.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge